

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant(s):** Schmülling et al.**Examiner:** S. Baum**Serial No.:** 10/014,101**Group:** Art Unit 1638**Filed:** December 10, 2001**Docket:** 1187-26**For:** METHOD FOR ENHANCING
MODIFYING PLANT MORPHOLOGY,
BIOCHEMISTRY AND PHYSIOLOGY**Dated:** December 22, 2006Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**PETITION UNDER 37 C.F.R. § 1.78**

Sir:

Applicants respectfully petition the Commissioner to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of a prior-filed provisional application.

Accompanying this petition is an RCE and an amendment to the specification, where the reference required by U.S.C. § 119(e) has been made, along with a supplemental declaration executed by the inventors of the above-identified application.

The Commissioner is hereby authorized to charge the surcharge set forth in 37 C.F.R. 1.17(t), in the amount of \$1,370.00, to Deposit Account No. 04-1121.

FACSIMILE CERTIFICATE

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Office of Petitions, at Fax No. 1-571-273-0025 on the date indicated below.

Dated: December 22, 2006


12/27/2006 CKHLOK 00000004 041121 10014101

01 FC:1454 1370.00 DA


Ann R. Pokalsky

Finally, Applicants, through the undersigned, hereby state that the entire delay between the date the claim was due under paragraph (a)(5)(ii) of 37 C.F.R. §1.78, and the date the claim is filed, i.e., today's date, was unintentional.

Respectfully submitted


Ann R. Pokalsky
Registration No.: 34,697
Attorney for Applicants

DILWORTH & BARRESE, LLP
333 Earle Ovington Boulevard
Uniondale, New York 11553
Tel. No. (516) 228-8484
Fax No. (516) 228-8516
ARP/ml



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/014,101	12/10/2001	1638	2702	1195-2	16	137	11

CONFIRMATION NO. 2633

UPDATED FILING RECEIPT

OC000000008213967

Ann R. Pokalsky
DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, NY 11553

Date Mailed: 05/31/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Thomas Schmulling, Berlin, GERMANY;
Tomas Werner, Berlin, GERMANY;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF PCT/EP01/06833 06/18/2001 and
claims priority to U.S. Provisional Application 60/258,415

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 00870132.8 06/16/2000
EUROPEAN PATENT OFFICE (EPO) 01970053.9 03/16/2001

If Required, Foreign Filing License Granted 01/29/2002

Projected Publication Date: 09/12/2002

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Method for modifying plant morphology, biochemistry and physiology